

## Message Text

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PAGE 01 STATE 162727

21

ORIGIN NEA-16

INFO OCT-01 EUR-25 ISO-00 CIAE-00 DODE-00 PM-07 H-03

INR-11 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03

SS-20 USIA-15 OMB-01 MC-02 ACDA-19 AID-20 /159 R

DRAFTED BY NEA/PAB:RAPECK/NH

APPROVED BY NEA:LBLAINGEN

NEA/INS:DKUX (DRAFT)

DOD/ISA/NESA:COL.LAWRENCE (INFO)

L/PM:JHMICHEL (DRAFT)

PM:DWMCLINTOCK (DRAFT)

----- 003654

R 261729Z JUL 74

FM SECSTATE WASHDC

TO AMEMBASSY ISLAMABAD

INFO AMEMBASSY LONDON

AMEMBASSY NEW DELHI

C O N F I D E N T I A L STATE 162727

E.O.11652: GDS

TAGS: MASS, PK

SUBJECT: SALE OF MK-44 TORPEDO TO PAKISTAN

REF: (A) ISLAMABAD 6623; (B) ODRP ISLAMABAD 29JUN74

1. DEPT APPRECIATES EMBASSY DESIRE TO BE RESPONSIVE TO  
GOP ON THIS MATTER, BUT WE CONCLUDE THAT PRESENT POLICY  
GUIDELINES DO NOT PERMIT EXPORT OF MK-44 TORPEDOES.

2. ISSUE IS COMPLICATED BY 1968 DECISION, CITED REFTEL B,  
WHICH PROVIDES APPARENT PRECEDENT. JUSTIFICATION FOR THAT  
DECISION IS CONTAINED IN STATE 235223 (9SEP68) (COPY BEING  
POUCHED). RELEVANT PASSAGE READS: "DOD HAS MADE DETER-  
MINATION THAT SINCE MK-44 IS A COMPONENT OF A LARGER  
SYSTEM IT IS ANCILLARY EQUIPMENT AND HENCE TREATED AS A  
SPARE PART; AS SUCH IT MAY BE PROVIDED TO PAKISTAN UNDER  
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PAGE 02 STATE 162727

OUR PRESENT ARMS SUPPLY POLICY SINCE IT WILL BE USED IN

CONNECTION WITH EQUIPMENT PREVIOUSLY SUPPLIED BY U.S." THE EXPORT IN QUESTION, WHICH WAS APPROVED BUT NEVER DELIVERED BECAUSE OF THE 1971 EMBARGO, WAS FOR PROVISION OF TORPEDOES FOR USE ON AMERICAN-PROVIDED EQUIPMENT.

3. THE DIFFERENCE IN THE PRESENT CASE IS CRUCIAL: THE TORPEDOES ARE FOR USE ON BRITISH-SUPPLIED HELICOPTERS. IF WE WERE TO TREAT THEM AS SPARES OR AS AMMUNITION,

EXPORT WOULD BE INAPPROPRIATE BECAUSE THEY ARE INTENDED TO BE USED WITH A WEAPONS SYSTEM THAT WAS NOT PREVIOUSLY SUPPLIED BY THE U.S.

4. REFTTEL B ALSO ADVANCES OTHER ARGUMENTATION, SUGGESTING WE CONSIDER THE MK-44 TO BE AN END-ITEM ITSELF AND ONE WHICH WAS PREVIOUSLY SUPPLIED BY THE U.S. THERE IS, HOWEVER, NO PROVISION IN PRESENT POLICY FOR PERMITTING THE EXPORT OF LETHAL END-ITEMS, WHETHER PREVIOUSLY-SUPPLIED OR NOT.

5. UNDER GUIDELINES PREVAILING IN 1968-69, WE WERE ABLE TO APPROVE SALES OF MK-44 TORPEDOES MANUFACTURED UNDER U.S. LICENSE IN UK TO BOTH PAKISTAN AND INDIA. (THE TORPEDOES WERE ACTUALLY DELIVERED TO INDIANS.) THESE GUIDELINES PERMITTED CASE-BY-CASE CONSIDERATION OF THIRD-COUNTRY TRANSFERS, BUT WE NOW OPERATE UNDER DIFFERENT GROUND RULES. LEGISLATION PASSED IN 1971 REDUCED EXECUTIVE BRANCH FLEXIBILITY REGARDING THIRD-COUNTRY TRANSFERS. UNDER PRESENT GROUND RULES, WE CAN APPROVE TRANSFER FROM THIRD COUNTRIES OF ITEMS OVER WHICH WE HAVE CONTROL ONLY RPT ONLY IN INSTANCES WHERE OUR ARMS POLICY WOULD PERMIT TRANSFER DIRECTLY FROM THE U.S. THUS, SINCE WE WOULD NOT APPROVE TRANSFER OF TORPEDOES FROM U.S., WE ARE NOT ABLE TO AUTHORIZE TRANSFER FROM UK.

6. WE THEREFORE CONCLUDED THAT WE CANNOT PROVIDE NECESSARY APPROVAL IN THIS CASE. BRITISH EMBASSY HERE INFORMED OF THIS POSITION JULY 3 IN RESPONSE TO THEIR INQUIRY.

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PAGE 03 STATE 162727

7. EMBASSY CORRECT IN ASSUMPTION THAT SEA SPARROW CANNOT BE APPROVED. INGERSOLL

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MILITARY EQUIPMENT, SPARE PARTS, MILITARY SALES, TORPEDOES, FOREIGN POLICY POSITION, LEGISLATIVE BILLS, FOREIGN ASSISTANCE LAW  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 26 JUL 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** kelleyw0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974STATE162727  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** RAPECK/NH  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D740204-0294  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t19740714/aaaaalgd.tel  
**Line Count:** 109  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN NEA  
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**Original Handling Restrictions:** n/a  
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**Original Previous Handling Restrictions:** n/a  
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**Previous Classification:** CONFIDENTIAL  
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**Reference:** (A) ISLAMABAD 6623; (B) ODRP ISLAMAB, AD 29JUN74  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** kelleyw0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 25 JUN 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <25 JUN 2002 by boyleja>; APPROVED <27 FEB 2003 by kelleyw0>  
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**Review Referrals:** n/a  
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**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** SALE OF MK-44 TORPEDO TO PAKISTAN  
**TAGS:** MASS, PK, US  
**To:** ISLAMABAD  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005